

Notice of Allowability

Application No.

10/693,168

Applicant(s)

DANA, ALFRED.

Examiner

Fenn C. Mathew

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to ____.
2. ☒ The allowed claim(s) is/are 1-12.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 10/23/03
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 05/18/06
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____



**MICHAEL A. BROWN
PRIMARY EXAMINER**

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Richard Saccocio on May 1, 2006.

Please amend the case as follows:

- In claim 1, line 6, delete the phrase 'means for selectable securing a weight' and insert the phrase --a weight, and means for selectably securing the weight-- therefore.

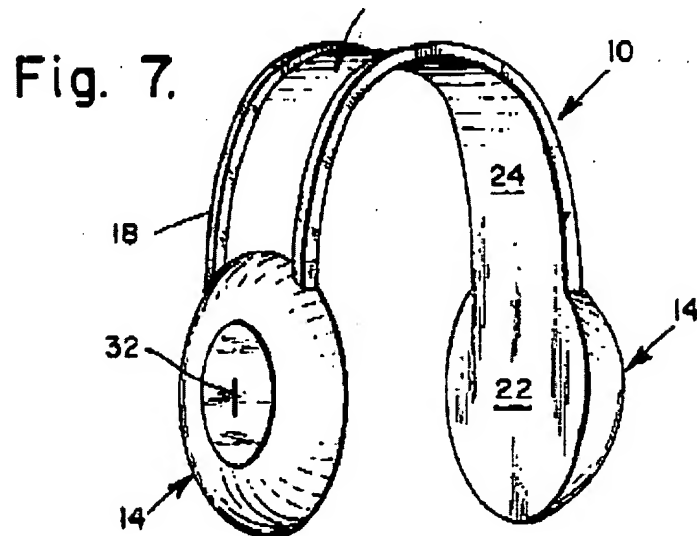
The following amendment was made in order to positively recite the weight member in order to avoid non-analogous prior art, and also to correct minor grammatical errors.

Information Disclosure Statement

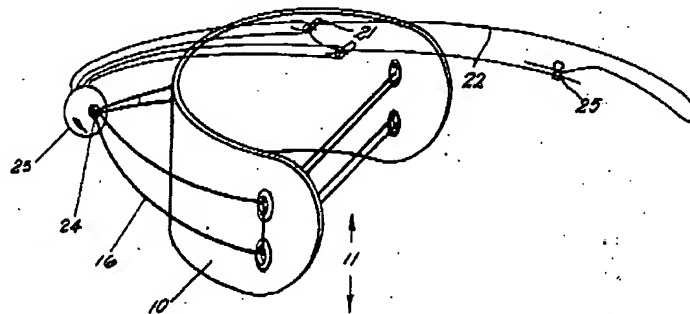
2. The information disclosure statement filed 10/23/2006 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

Allowable Subject Matter

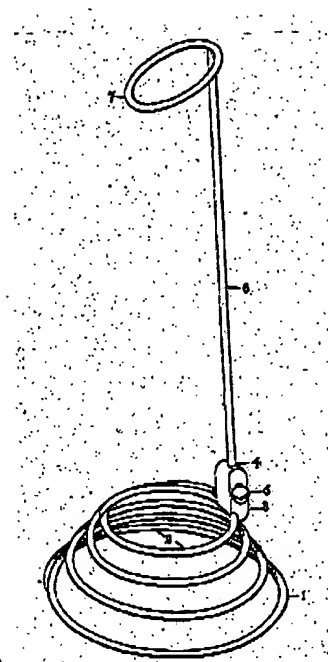
3. Claims 1-12 are allowed. The following is an examiner's statement of reasons for allowance: De Monbrun (U.S. 5,702,330)



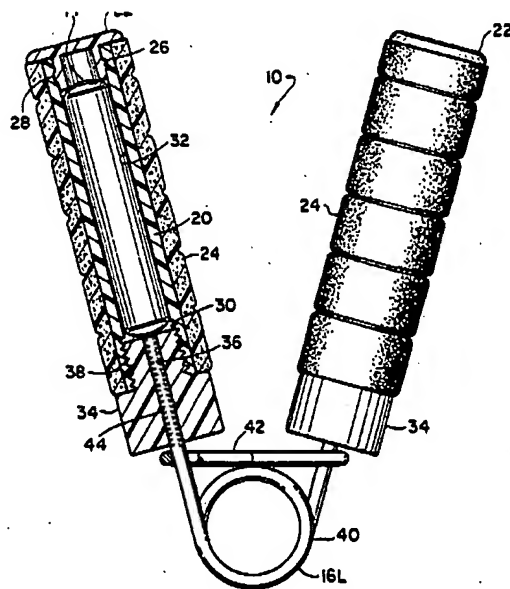
teaches an exercise device including a pair of weighted portions and an arcuate member adapted to rest on a body portion. De Mondbrun fails to teach a spring, and weight secured to the spring.



4. Gehl (U.S. 3,926,184) teaches a support device including a pad, and cords depending from the ends of the pad. Gehl fails to teach a spring with a weight selectably secured to the spring.



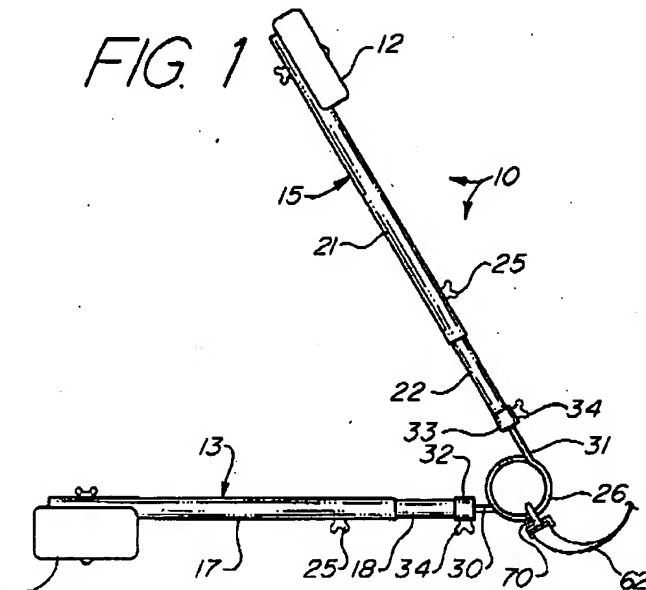
5. Barrie (U.S. 867,340) teaches a device including a spring-like member and a 'weight' attached thereto. Barrie fails to teach a pair of lever arms extending from the spring having retaining means, and a pair of cords depending on the retaining means.



6. Winston (U.S. 5,060,934) teaches a spring having a pair of lever arms extending from the spring, the lever arms including 'retaining

Art Unit: 3764

means'. Winston fails to teach a pair of cords attached to the retaining means, and further fails to teach a weight selectably secured to the spring.

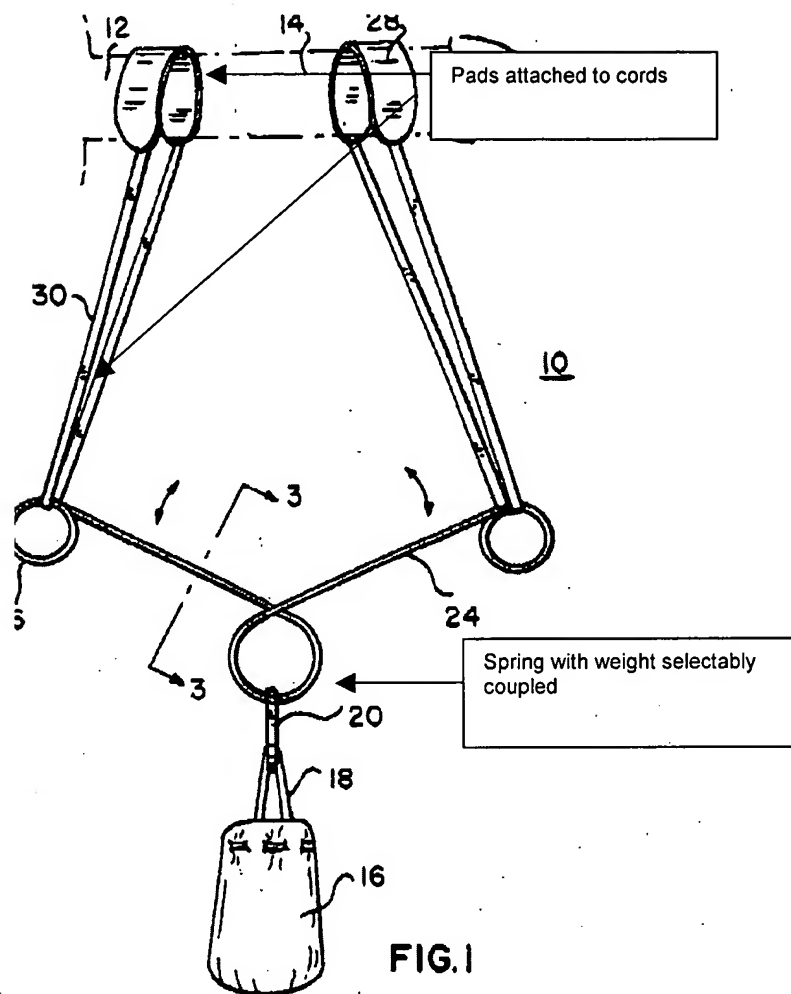


7. Taylor et al. (U.S. 6,080,090)

teaches a spring, a pair of lever arms, having 'retaining means', and a 'weight' selectably secured to the spring. Taylor fails to teach or make obvious a pair of cords having opposing ends depending from respective opposite ends of a pad, with the cord passing through the retaining means.

Art Unit: 3764

8. The prior art of record fails to teach the invention as pictured



including a spring having two lever arms extending from the spring, each lever arm having a free end with retaining means, a pair of cords, each cord having two ends, and passing through the respective retaining means, the two ends of each cord depending from opposite ends of a pair of pads respectively, and a weight selectably secured to the spring in order to perform exercise.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 3764

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C. Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fcm
May 18, 2006



**MICHAEL A. BROWN
PRIMARY EXAMINER**